

UNITED STATES DISTRICT COURT

for the
District of New MexicoFILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)
)
 Gold GMC Quad Cab Pick-up Truck bearing New Mexico
 license plate 717 SHA
)

Case No. 15MR160

15 NOV -3 PM 4:50
CLERK-ALBUQUERQUE

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

Please refer to Attachment A of the affidavit

located in the _____ State and _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

Please refer to Attachment B of the affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

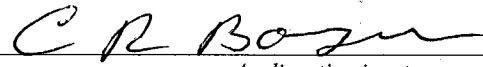
- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 USC 841(a) (1) and (b)(1) (B)	it shall be unlawful for any person knowingly or intentionally – (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance, to wit: methamphetamine.

The application is based on these facts:
 Please see Affidavit

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Charles R. Bouyer, Task Force Officer, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: November 3, 2015

City and state: Albuquerque NM


Judge's signature

Karen B. Molzen Chief United States Magistrate Judge
Printed name and title

ATTACHMENT A

DESCRIPTION OF PROPERTY TO BE SEARCHED

Gold 2001 GMC Quad Cab Pick-up Truck bearing New Mexico license plate 717 SHA. The vehicle has a vehicle identification number of 1GTDT13W61K215872. The vehicle is in the secure holding area at the Town and Country tow yard at 2800 Broadway Southeast Albuquerque NM 87105.



ATTACHMENT B

ITEMS TO BE SEIZED

1. Documentation showing ownership of the vehicle
2. Prescription and/or illegal drugs
3. Drug paraphernalia and/or drug packaging supplies and equipment
4. Firearms/ammunition and firearm accessories
5. Sums of money possibly obtained in drug transactions
6. Ledgers or other documentation showing drug transactions
7. Cell phones or electronic communication devices.



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**IN THE MATTER OF THE SEARCH OF)
THE PROPERTY:) No.
)
Gold GMC Quad Cab Pick-up Truck bearing)
New Mexico license plate 717 SHA)
)
As more fully described in Attachment A,)
incorporated herein by reference)**

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

The Affiant, Task Force Officer (TFO) Charles Bouyer, from the Department of Homeland Security, Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), being first duly sworn, hereby states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Task Force Officer (TFO) with the Department of Homeland Security, U.S. Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have been employed by HSI as such since May, 2012. I am an investigative law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), and I am empowered by law to conduct investigations and make arrests for felony offenses. I have been a federal and state law enforcement officer for over seventeen years in total with Homeland Security Investigations and the Bernalillo County Sheriff's Department.

2. I have received extensive training and practical experience pertaining to federal and state criminal procedures, federal and state criminal statutes, and other federal and state laws pertaining but not limited to the importation and distribution of controlled substances, bulk cash smuggling, money laundering, asset forfeiture, firearms, and conspiracy. I am authorized, and presently assigned to investigate violations of the Comprehensive Drug Abuse and Prevention and Control Act of 1970, Title 21, United States Code, Section 801, et seq, Title 18 United States Code, Section 922 and other violations of federal law
3. I have also acquired knowledge and information about such offenses, and the various means and methods by which they are furthered from numerous sources, including formal and informal training from other law enforcement officers, investigators, and Special Agents; interviews of informants and arrestees, and interviews of other knowledgeable individuals.
4. Your affiant reasonably relies on the information identified in this affidavit and application. This information is of the quality and quantity routinely and properly relied upon by law enforcement personnel in conducting investigations and analyzing the existence of probable cause to believe crimes, such as those being investigated in this matter, are being or have been committed. The statements in this affidavit are based in part on information provided by Albuquerque Police Department Detectives. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18 are located in the vehicle which is the subject matter of this affidavit.
5. This affidavit is made in support of a search warrant to search the property identified as a Gold GMC Quad Cab Pick- up Truck bearing New Mexico license plate 717-SHA in connection with an investigation into violations of Title 21, United States Code, Section 841(a) (1) and (b)(1)(B)

RELEVANT STATUTES

6. This investigation concerns alleged violations of Title 21, United States Code, Section 841(a) (1) and (b)(1)(B), stating it shall be unlawful for any person knowingly or intentionally – (1) to manufacture, distribute, or dispense, or possess with intent to manufacture,

distribute, or dispense, a controlled substance, to wit: methamphetamine.

DETAILS OF INVESTIGATION

7. On October 28, 2015 Your Affiant was contacted by Albuquerque Police Detective Herman Martinez, who has been working as a undercover officer purchasing narcotics (methamphetamines and heroin) from Alex FLETCHER. Detective Martinez made contact with FLETCHER (aka: Fletch) via phone. FLETCHER agreed to meet Detective Martinez the following day to conduct a two ounce methamphetamine deal. FLETCHER advised Detective Martinez that it was going to cost Detective Martinez \$700.00 per ounce. Detective Martinez agreed and the call was terminated.
8. At approximately 1145 hours, FLETCHER and Detective Martinez met in the parking lot near 400 Eubank NE. Once at the location, Detective Martinez gave FLETCHER \$1400.00 in U.S. currency that had been photocopied prior to the start of the operation. FLETCHER then left. Several hours later FLETCHER called Detective Martinez and told Detective Martinez that he had the methamphetamine. Detective Martinez told FLETCHER to meet him in a parking lot of the Fairfield Inn by Marriott located at 2300 Centre Ave SE in Albuquerque New Mexico.
9. At approximately 1825 hours, FLETCHER pulled into the parking lot driving a 2001 GMC Sonoma. FLETCHER had a female passenger, later identified as S.J., in the front passenger side of the vehicle. FLETCHER exited the vehicle and got into the front driver's seat of Detective Martinez's unmarked vehicle.
10. Per Detective Martinez, once inside the vehicle, FLETCHER handed Detective Martinez a plastic baggy that contained a glass shard substance (approximately 51 grams). Your Affiant later field tested this substance and obtained a presumptive positive result for the presence of methamphetamine. Detective Martinez thanked FLETCHER. FLETCHER then exited Detective Martinez's unmarked vehicle.
11. Detective Martinez gave a pre-determined arrest signal to members of the Central Narcotics Unit. Upon their arrival, Detectives Lopez, Garcia and Irwin ordered FLETCHER to show his hands. Detectives observed FLETCHER reach into his waistband and then throw a Beretta, model 21A, .22 caliber pistol, serial number BES50246U, to the ground in an attempt to hide it from police.

12. FLETCHER was taken into custody for violation of law. The firearm was recovered, taken into police custody and tagged as evidence. The Gold GMC Quad Cab Truck bearing New Mexico license plate 717 SHA was sealed and towed by APD evidence technicians without the vehicle being searched.

CONCLUSION

13. Based upon all of the information set forth in this application, and my training and experience, I respectfully submit that there is probable cause to believe that the instrumentalities, fruits, and evidence of violations of Title 21, United States Code, Section 841(a) (1) and (b)(1)(B), are present inside the GMC Truck bearing New Mexico license plate 717-SHA as more specifically described in Attachment A.
14. Based on my training and experience and the foregoing facts, there is specific probable cause that Fletcher's vehicle has narcotics contained therein and paraphernalia packaging supplies, and equipment, since drug traffickers possess those items in conjunction with their narcotics. Drug traffickers will also carry large sums of currency as their means of transacting as well as ledgers and other documentation in memorializing drug transactions. Drug traffickers also use firearms, ammunition, cell phones, and other electrical communication devices as "tools" of the drug trafficking trade.

WHEREFORE, I respectfully request that a warrant be issued authorizing Homeland Security Investigations, with appropriate assistance from other law enforcement officers, to enter the said premises described in Attachment A and therein search for, seize, and examine the items set forth above and in Attachment B.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. FURTHER AFFIANT SAYETH NOT.

Charles Bouyer

Charles Bouyer Task Force Officer
Homeland Security Investigations

Subscribed and sworn before me this 3rd day of November, 2015.

Karen B. Molzen

Chief United States Magistrate Judge
Karen B. Molzen